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COMMITTEE ON THE RIGHTS OF THE CHILD

Ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Tunisia

1. The Committee considered the initial report of Tunisia (CRC/C/11/Add.2) at its 225th, 226th and 227th meetings, held on 1 and 2 June 1995 (CRC/C/SR.225-227) and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report, which contains comprehensive information on the legal framework within which the Convention is implemented and on other measures adopted since the ratification of the Convention by Tunisia.

3. The Committee appreciates the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C.9/WP.5). Furthermore, the presence of a high-level delegation enabled the Committee to engage in a constructive dialogue with those directly responsible for the implementation of the Convention.

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* At the 233rd meeting, held on 9 June 1995.

B. Positive aspects

4. The Committee welcomes the efforts made by the Government in bringing domestic law into line with the Convention, through the enactment of the draft Code for the Protection of the Child. Satisfaction is expressed at the fact that various national legislative provisions are more conducive to the realization of the rights of the child than those contained in the Convention. The Committee also notes with appreciation the adoption, following the World Summit for Children in 1990, of the National Plan of Action for the Survival, Protection and Development of Children, as well as the adoption of various programmes, specifically aimed at promoting and protecting the rights of the child, such as programmes for disabled children, and programmes aiming at sensitizing teachers to the philosophy of the Convention. The Committee notes with particular appreciation the sustained policies with a view to protecting children against the negative effects of structural adjustment.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that there are still practices which impede the full enjoyment of certain rights of the child.

D. Principal subjects of concern

6. The Committee is concerned about the extent of the reservations and declarations made to the Convention by the State party. In particular, the reservation relating to the application of article 2 raises concern as to its compatibility with the object and purpose of the Convention.

7. The Committee notes that measures taken to ensure the implementation of the provisions of the Convention, particularly articles 2, 3, 12, 13 and 19, are still insufficient. The Committee is concerned at practices of discrimination against children born out of wedlock.

8. The Committee notes that the system of collecting data relevant for the monitoring of the implementation of the Convention needs to be improved and extended. It is concerned whether sufficient consideration has been given to the reinforcement of mechanisms, including of an independent nature, to follow up and evaluate the implementation of the Convention at the national and local levels.

9. The Committee is concerned that the legislative discrepancy between the age for completion of mandatory education and the minimum age for admission to employment may lead to encourage adolescents to drop out from the school system.

E. Suggestions and recommendations

10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations and declarations to the Convention with a view to withdrawing them, including particularly the reservation relating to article 2 of the Convention.

11. The Committee encourages the Government to pursue its efforts aiming at creating awareness of the Convention and having its basic principles grasped by the general public, and to continue training relevant professional groups such as teachers, judges, law-enforcement officials, social workers, the personnel in care and detention institutions, as well as military personnel.

12. The data collection on matters relating to the Convention should be systematized and amplified, with a view to covering all areas addressed by the Convention.

13. The Committee would like to suggest that the State party consider reinforcing the mechanisms for monitoring and evaluating the implementation of the Convention. A more efficient coordination between the central Government and the governorates is also recommended.

14. The State party is encouraged to pursue legislative reforms and to adopt measures translating into practice the general principles of the Convention, in particular the principle of non-discrimination against children born out of wedlock, the principle of the best interests of the child and the right of the child to express his or her views freely.

15. The Committee recommends to the State party to give further thought to possible ratification of ILO Convention No. 138 on the minimum age for admission to employment. Campaigns to prevent entry of adolescents into the labour force, including in the informal sector and agriculture, should be reinforced. In this regard, the Committee would like to encourage the State party to consider seeking technical assistance from the International Labour Organization.

16. Regarding the rights of the refugee and asylum-seeking child, the Committee recommends that the State party consider as a preventive measure adopting relevant legislative provisions, in consultation with the United Nations High Commissioner for Refugees.

17. As far as protection from ill-treatment is concerned, the Committee recommends that the social preventive approach be strengthened and that further measures be undertaken to educate parents about their responsibilities towards their children, including through the provision of family education which should emphasize the equal responsibilities of both parents and contribute to the prevention of the use of corporal punishment.

18. The Committee welcomes the invitation addressed by the delegation to the Committee to visit Tunisia. The Committee also recommends that the initial report, the summary records of the discussion between the delegation and the Committee and the present concluding observations be widely disseminated in order to deepen the debate on the rights of the child in Tunisia. The Committee would like to suggest that these documents be brought to the attention of the parliament and that the suggestions and recommendations for action contained therein be followed up.